

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Apr 17, 2023**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Gabriel Trinidad Lopez Case Number: 0980 2:18CR00022-SAB-1

Address of Offender: [REDACTED], Spokane Valley, Washington 99216

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: December 20, 2018

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922

Original Sentence: Prison - 30 months; Type of Supervision: Supervised Release
TSR - 36 monthsRevocation Sentence: Prison - 64 days
TSR - 147 days
(January 12, 2023)

Asst. U.S. Attorney: Patrick Cashman Date Supervision Commenced: January 13, 2023

Defense Attorney: Justin Lonergan Date Supervision Expires: June 9, 2023

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 2/10/2023 and 3/29/2023.

On January 23, 2023, a supervision intake was completed with Mr. Lopez. He acknowledged an understanding of the conditions imposed by the Court and signed a copy of his judgment.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

11 **Special Condition #4:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: It is alleged that Gabriel Lopez violated the terms of his supervised release by failing to attend substance abuse treatment as directed, since on or about March 23, 2023.

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On January 18, 2023, Mr. Lopez completed a substance abuse evaluation with Pioneer Human Services (PHS). He was ultimately enrolled in outpatient services, requiring him to attend weekly group sessions on Thursdays from 5:30 p.m. to 7:30 p.m., effective January 26, 2023.

Mr. Lopez had stated he was working with the Vet Center in the Spokane Valley to become enrolled in mental health treatment services. He was advised that if the Vet Center offered appropriate services for both mental health and substance abuse, he could potentially discontinue services with PHS. However, he was advised the undersigned would have to verify the services first. He continuously confirmed he was attending substance abuse treatment with PHS.

On March 22, 2023, Mr. Lopez reported to the probation office. He again verified he was still engaged in services with PHS. He advised his counseling sessions at the Vet Center were scheduled to be from 3:30 p.m. to 5:30 p.m. on Thursdays, but he only attended until 4:30 p.m. so that he can attend services at PHS on time.

On March 24, 2023, the undersigned received a phone call from PHS staff. Staff with PHS had inquired into whether Mr. Lopez was supposed to be attending services there. The undersigned confirmed and they advised that Mr. Lopez had not attended services at their facility since February 23, 2023. (This matter has been alleged in violation number 6 in the petition and violation report submitted on March 29, 2023).

On March 24, 2023, the undersigned engaged in text exchanges with Mr. Lopez surrounding his continued failure to attend treatment with PHS. Mr. Lopez had reminded the undersigned that there was a scheduling conflict. The undersigned reminded him that he was expected to continue attending PHS until another treatment program could be approved. He was reminded that he had consistently lied and told the undersigned that he was attending services at PHS and that he was leaving his sessions with the Vet Center early in order to attend his treatment at PHS.

On March 29, 2023, Mr. Lopez reported to the United States Probation Office. During this office visit, he was once again reminded of the expectation that he engage in substance abuse treatment services with PHS until the undersigned was able to approve treatment with the Vet Center.

On April 11, 2023, PHS advised that Mr. Lopez was still not engaged in treatment services at their facility.

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Special Condition #5: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Gabriel Lopez violated the terms of his supervised release by failing to appear for a urinalysis, on or about April 3, 2023.

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Mr. Lopez is enrolled in random drug testing with PHS. He was directed to call the drug testing line daily to determine if he is required to report for testing that same day.

PHS advised that Mr. Lopez failed to appear for testing on April 3, 2023

- 13 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: It is alleged that Gabriel Lopez violated the terms of his supervised release by failing to report as directed, on or about April 12, 2023.

On April 11, 2023, the undersigned attempted to reach Mr. Lopez by phone, however, his phone was going straight to voice mail. A voice message and text message was sent directing him to report no later than 12 p.m. the next day, April 12, 2023.

The undersigned contacted Mr. Lopez' girlfriend, with whom he was residing. She agreed to let Mr. Lopez know he was directed to report to the probation office the next day.

Mr. Lopez failed to report to the probation office on April 12, 2023.

Mr. Lopez later indicated he was busy setting up services with the Veterans Administration on April 12, 2023, and did not think to call the undersigned or report later in the day.

- 14 **Special Condition #5:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Gabriel Lopez violated the terms of his supervised release by consuming a controlled substance, methamphetamine, on or about April 10, 2023.

On April 13, 2023, Mr. Lopez reported to the probation office. He was asked to submit to a urinalysis. The sample tested presumptive positive for methamphetamine. Mr. Lopez signed a drug use admission form, indicating he used methamphetamine on April 10, 2023.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 04/17/2023

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

4/17/2023

Date